



The Internet & Television Association
25 Massachusetts Avenue, NW | Suite 100
Washington, DC 20001
(202) 222-2300

Steve Morris
Vice President &
Associate General Counsel
o (202) 222-2454 e smorris@ncta.com

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Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Improving Competitive Access to Multiple Tenant Environments
GN Docket No. 17-142**

On June 13 and 14, 2017, Michael Schooler and Steve Morris of NCTA – The Internet & Television Association (“NCTA”) met with Jay Schwarz, Wireline Advisor to Chairman Pai, and Amy Bender, Wireline Advisor to Commissioner O’Rielly to discuss the above-referenced proceeding.

NCTA expressed support for the Commission’s decision to open an inquiry into how best to promote deployment of broadband infrastructure in multiple tenant environments (MTEs). To develop a robust record on these issues, NCTA encouraged the Commission to expand on some of the questions asked in the draft Notice of Inquiry regarding: (1) the state of competition in the MTE marketplace; (2) the extent to which restricting the ability of building owners to select among competitive alternatives and to enter into commercial arrangements, such as bulk billing and exclusive access to wiring, may adversely affect the deployment and the price of broadband service in MTEs; and (3) the Commission’s statutory authority to regulate contractual arrangements between building owners and service providers. For example, the Commission should consider the following questions:

- Is there any evidence of a market failure in the provision of broadband service to MTEs and their residents? Under what circumstances, if any, should the government have a role in dictating the terms of contracts between service providers and building owners?
- Does building-by-building competition for exclusive marketing, bulk billing, and access to wiring provide greater opportunities and incentives for companies to deploy or upgrade wiring and compete in MTEs, thus preserving the benefits of competition for consumers?
- Would eliminating or reducing the substantial discounts in the price of service made possible by bulk billing in order to promote the availability of multiple providers in an MTE serve the interests of the MTE’s residents? Would the effect of such a policy be particularly noticeable in locations that otherwise might be less attractive to serve?

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- Should the Commission revisit whether its determination that Section 628(b) (the “program access” provision of the 1992 Cable Act) extends to matters that have nothing to do with access to satellite-delivered cable programming is consistent with public policy and the intent of Congress?

In addition, NCTA suggested that the Commission specifically seek comment on the technical and operational challenges associated with the use of a single facility by two or more providers and the potential consumer harm that may arise from such sharing.¹ We also encouraged the Commission to make clear that any questions regarding commercial MTEs are not intended to revisit the regulatory framework for business data services (BDS) adopted earlier this year.

Respectfully submitted,

/s/ Steven F. Morris

Steven F. Morris

cc: Jay Schwarz
Amy Bender

¹ See Comments of the NCTA – The Internet & Television Association, MB Docket No. 17-91 (filed May 18, 2017) at 4-5; Declaration of Dane Jasper at ¶ 25, attached to Comments of Caltel, MB Docket No. 17-91 (filed May 18, 2017) (“As for wire sharing, the Commission correctly determined that it is technically infeasible for two service providers to literally share inside wire without significant degradation to both their services.”).